

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to All Actions

**APPLICATION FOR THE ISSUANCE OF A LETTER OF REQUEST FOR THE
EXAMINATION OF A WITNESS IN SWEDEN PURSUANT TO THE HAGUE
EVIDENCE CONVENTION**

Plaintiffs, by their undersigned attorneys, the Plaintiffs Executive Committees, respectfully apply for the issuance by the Court of a Letter of Request, filed separately with the Court today, addressed to the Central Authority in Sweden, for the examination of non-party witness Mohdar Mohamed Abdullah aka Zeid, Elmohdar Mohammed Abdullah ("Mohdar Abdullah"), a resident of Sweden. This Application is made pursuant to, and in conformity with, The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial matters, T.I A.S. 7444, 23 U.S.T. 2555 ("Hague Evidence Convention"), which is in force between the United States and Sweden. The Letter of Request was prepared pursuant to the model form provided with the Convention. *Id.*

Issuance of the Letter of Request under the Hague Evidence Convention is a proper method for the taking of testimony of persons residing abroad. Fed. R. Civ. P. 28(b); *Villella v. Chemical & Mining Co. of Chile Inc.*, 2019 WL 171987, at *2 (S.D.N.Y. 2019).

This Court's March 2018 decision allowing jurisdictional discovery previously addressed the specific relevance of the testimony of Modhar Abdullah. The Court cited the proof that Mohdhar Abdullah was a person that "Bayoumi enlisted to assist the hijackers"; that Bayoumi specifically tasked [Mohdar Abdullah] with "be[ing] the individual to acclimate the hijackers to the United States, particularly San Diego, California..."; and that Mohdar Abdullah "helped Hazmi and Mihdhar locate and apply to English language and

flight schools...,” “assisted them in translating between English and Arabic...,” and “helped Hazmi and Mihdhar obtain multiple fake driver's licenses and perform surveillance of Los Angeles International Airport....” *In re Terrorist Attacks on September 11, 2001*, 298 F.Supp.3d 631, 649-50 (S.D.N.Y. 2018).

Mohdar Abdullah was deported from the United States in 2004. 9/11 Commission Report at 220. After significant investigation, Plaintiffs were recently able to locate Mohdar Abdullah in Sweden, and now seek his testimony by issuance of a Letter of Request.

Plaintiffs ask that the Court approve and sign the Letter of Request. Plaintiffs further request that after the Court has signed the Letter of Request, the Clerk of this Court authenticate the Court's signature under the seal of this Court and that the Letter of Request be transmitted by the Clerk, or by Plaintiffs' counsel, to the Swedish Central Authority for execution in conformity with Article 2 of the Convention. Pursuant to the Articles 4 and 33 of the Hague Evidence Convention, Sweden will accept a Letter of Request in the English language, and does not require a Swedish translation. *See* Hague Conference website page on Sweden (“Translation requirements”), <https://www.hcch.net/en/states/authorities/details3/?aid=522>.

Dated: May 9, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the APPLICATION FOR THE ISSUANCE OF A LETTER OF REQUEST FOR THE EXAMINATION OF A WITNESS IN SWEDEN PURSUANT TO THE HAGUE EVIDENCE CONVENTION was filed electronically this 9th day of May 2019. Notice of filing will be served upon all parties in 03 MDL 1570 by operation of the Southern District of New York's Electronic Case Filing ("ECF") system, which all parties may access.

/s/ Steven R. Pounian
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